

Application No.: 10/709,723

Docket No.: 22171-00016-US1

REMARKS

Claims 1, 2, 12, 25, 41, 44, and 47-48 are now pending in this application. Claims 1, 12, and 25 are independent. Claims 4, 6, 8-11, 12, 15, 17, 19, 21-24, 28, 30, 32, 34-37, 39, 40, 42, 43, 45, and 46 have been canceled, and claims 47-48 have been added by this amendment.

Unentered Amendment After Final Action of July 28, 2005

The Advisory Action refused entry of the Amendment after Final Action filed on July 28, 2005 by asserting that the claimed hexagonal opening constituted "new matter". Applicants disagree with this characterization, particularly since at least FIG. 3A supports recitation of this feature.

Notwithstanding the above, in the interests of expediting prosecution of this application to issue, this Second Amendment after Final Action forgoes claiming the hexagonal opening so that the Examiner will not have any basis for refusing entry of this Second Amendment After Final, so that the application can be passed to issue.

Objections to the Claims

Withdrawal of the objection to claims 2, 40, 41, 43, 44, and 46 is requested. Claims 40, 43, and 46 have been canceled, thus rendering their objection moot. Claims 2, 41, and 44 have been amended to overcome the stated basis for objection regarding the position of the two recited supporters.

Unpatentability Rejection over Zaerpoor in View of Chee

Withdrawal of the rejection of claims 4, 6, 8-11, and 39-40 under 35 U.S.C. §103(a) as being unpatentable over Zaerpoor (US Patent Publ. 2004/0124861) in view of Chee (US 6,084,420) is requested. These claims have been canceled, thus rendering their rejection moot.

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Unpatentability Rejection over Zaerpoor in View of Chee

Withdrawal of the rejection of claims 15., 17, 19, 21-24, 28, 30, 32, 34-37, 42-43, and 45-46 under 35 U.S.C. §103(a) as being unpatentable over Cheng et al. (US 6,781,392) in view of Zaerpoor and Chee is requested. These claims have been canceled, thus rendering their rejection moot.

Allowable Subject Matter

Applicants note with appreciation the indication that claims 1, 12, 25, and 38 are allowed, and that claims 2, 41, and 44 were objected to, but would be allowed if the objections noted above are resolved. Claims 2, 41, and 44 have been amended to overcome the objections, and are submitted as now being allowable as well.

New Dependent Claims

New dependent claims 47 and 48 have been added so as to depend from allowable independent claims 12, and 25, respectively. New claims 47-48 specify the material of the probe and the supporter, similar to the recitation of allowed Claim 38.

Conclusion

The Amendment after Final Action filed July 28, 2005 was not entered by the Examiner as stated in the Advisory Action mailed August 11, 2005. This Second Amendment after Final Action is being submitted to remove any basis for asserting that "new matter" is involved so that this application may be expeditiously passed to issue.

In view of the above amendment and remarks, applicant believes that each of pending claims 1, 2, 12, 25, 38, 41, 44, and 47-48 in this application is in immediate condition for allowance.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22171-00016-US1 from which the undersigned is authorized to draw.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

Respectfully submitted,

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